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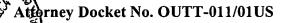
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**PATENT** 



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Express Mail Label Number:

January 16, 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark Henry HARTMANN et al.

Examiner:

EASHOO, Mark

Serial No.:

09/777,512

Art Unit:

1732

Confirmation No.: 8432

Customer No.: 23419

Filed:

February 06, 2001

Attorney Docket No.: OUTT-011/01US

For:

MELT SPINABLE CONCENTRATE PELLETS HAVING ENHANCED REVERSIBLE

THERMAL PROPERTIES

**Mail Stop Petition** 

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED **UNINTENTIONALLY UNDER 37 CFR 1.137(b) TRANSMITTAL**

Enclosed please find the following:

- Petition for Revival of an Application for Patent Abandoned Unintentionally [X]Under 37 CFR 1.137(b) (PTO/SB/64)
- Declaration Supporting Petition Under 37 CFR §1.137 (b) [X]
- Response to Office Action dated July 2, 2003 filed on October 2, 2003 [X]
- [X] Return receipt postcard

Attorney Docket No.: OUTT-011/01US

Serial No.: 09/777,512

Page 2

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Date: January 16, 2004

Cooley Godward LLP ATTN: Patent Group Five Palo Alto Square 3000 El Camino Real Palo Alto, CA 94306-2155

Tel: (650) 843-5000 Fax: (650) 857-0663

CZR:mrc

Respectfully submitted, COOLEY GODWARD LLP

By:

Cliff Z. Liu Reg. No. 50,834 QE JC8,



PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNINTENTIONALLY UNDER 37 CFR 1.137(b)  First named inventor: Mark Henry HARTMANN  Application No.: 09/777,512  Art Unit: 1732  Filed: February 06, 2001  Examiner: EASHOO, Mark  Title: MELT SPINABLE CONCENTRATE PELLETS HAVING ENHANCED REVERSIBLE THERMAL PROPERTIES  Attention: Office of Petitions Mail St p Petition  Mail St p Petition  O1/21/2004 MBARTE1 00000015 033117 09777512  Mail St p Petition  Commissioner for Patents  P.O. Box 1450  Alexandria, VA 22313-1450  FAX: (703) 872-9306  The above-identified application became abandoned since the United States Patent and Trademark Office ("USPTO") has not received a timely and proper reply to an Office Action mailed on July 2, 2003. However, Applicant believes that a timely and proper reply to the Office Action was filed, as evidenced by the enclosed copy of a Response bearing a Certificate of Mailing signed by Michelle R. Crosby supporting this Petition. Applicant respectfully requests acceptance of this Petition and waiver of the petition fee.  APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  NOTE: A grantable petition requires the following items:  (1) Petition fee:  (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee -required for all utility and plant applications field before June 8, 1995; and for all design applications; and  (4) Statement that the entire delay was unintentional.  1. Petition fee  Small entity-fee \$	PETITION FOR REVIVAL OF AN APPLICATION FO	R PATENT ABANDONED	Docket Number (Optional)
Application No.: 09/777,512  Art Unit: 1732  Filed: February 06, 2001  Examiner: EASHOO, Mark  Title: MELT SPINABLE CONCENTRATE PELLETS HAVING ENHANCED REVERSIBLE THERMAL PROPERTIES  Attention: Office of Petitions Mail St p Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 872-9306  The above-identified application became abandoned since the United States Patent and Trademark Office ("USPTO") has not received a timely and proper reply to an Office Action mailed on July 2, 2003. However, Applicant believes that a timely and proper reply to the Office Action was filed, as evidenced by the enclosed copy of a Response bearing a Certificate of Mailing signed by Michelle R. Crosby and dated October 2, 2003 and the enclosed Declaration from Michelle R. Crosby supporting this Petition. Applicant respectfully requests acceptance of this Petition and waiver of the petition fee.  APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  NOTE: A grantable petition requires the following items:  (1) Petition fee:  (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee –required for all utility and plant applications filed before June 8, 1995; and for all design applications; and  (4) Statement that the entire delay was unintentional.  1. Petition fee  Small entity-fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  Other than small entity – fee: Please charge any appropriate fees to Deposit Account No. 03-3117 (37 CFR 1.17(m))  Response to Office action in the form of Response to Office action in the form of Response to Office action in labely and lated July, 2, 2003. (identify type of reply):    has been filed previously on	UNINTENTIONALLY UNDER 37 CFR 1.137(b)		OUTT-011/01US
Filed: February 06, 2001	First named inventor: Mark Henry HARTMANN		
Title: MELT SPINABLE CONCENTRATE PELLETS HAVING ENHANCED REVERSIBLE THERMAL PROPERTIES  Attention: Office of Petitions  Mail St p Petition  O1/21/2004 MDANTE1 00000015 033117 09777512  Mail St p Petition  O1 FC:1453 1330.00 I/A  P.O. Box 1450  Alexandria, VA 22313-1450  FAX: (703) 872-9306  The above-identified application became abandoned since the United States Patent and Trademark Office ("USPTO") has not received a timely and proper reply to an Office Action mailed on July 2, 2003. However, Applicant believes that a timely and proper reply to the Office Action was filed, as evidenced by the enclosed copy of a Response bearing a Certificate of Mailing signed by Michelle R. Crossby and dated October 2, 2003 and the enclosed Declaration from Michelle R. Crossby supporting this Petition. Applicant respectfully requests acceptance of this Petition and waiver of the petition fee.  APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  NOTE: A grantable petition requires the following items:  (1) Petition fee:  (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and  (4) Statement that the entire delay was unintentional.  1. Petition fee  Small entity-fee \$(37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  Other than small entity — fee: Please charge any appropriate fees to Deposit Account No. 03-3117 (37 CFR 1.17(m))  2. Reply and/or fee  A. The reply and/or fee to the above-noted Office action in the form of Response to Office action dated July, 2, 2003 (identify type of reply):	Application No.: 09/777,512	Art Unit: 1732	
Attention: Office of Petitions Mail St p Petition O1/21/2004 MDARTE1 00000015 033117 09777512 Mail St p Petition O1 FC:1453 1330.00 DA PORTON Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 872-9306  The above-identified application became abandoned since the United States Patent and Trademark Office ("USPTO") has not received a timely and proper reply to an Office Action mailed on July 2, 2003. However, Applicant believes that a timely and proper reply to the Office Action was filed, as evidenced by the enclosed copy of a Response bearing a Certificate of Mailing signed by Michelle R. Crosby and dated October 2, 2003 and the enclosed Declaration from Michelle R. Crosby supporting this Petition. Applicant respectfully requests acceptance of this Petition and waiver of the petition fee.  APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  NOTE: A grantable petition requires the following items: (1) Petition fee: (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee –required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.  1. Petition fee  Small entity-fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  Other than small entity – fee: Please charge any appropriate fees to Deposit Account No. 03-3117 (37 CFR 1.17(m))  2. Reply and/or fee  A. The reply and/or fee to the above-noted Office action in the form of Response to Office action dated July, 2, 2003 (identify type of reply): has been filed previously on	Filed: February 06, 2001	Examiner: EASHO	O, Mark
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<ul> <li>Other than small entity – fee: Please charge any appropriate fees to Deposit Account No. 03-3117 (37 CFR 1.17(m))</li> <li>Reply and/or fee  A. The reply and/or fee to the above-noted Office action in the form of Response to Office action dated July, 2, 2003 (identify type of reply):  has been filed previously on</li> </ul>	***************************************		0 07 050 4 07
<ul> <li>Reply and/or fee</li> <li>A. The reply and/or fee to the above-noted Office action in the form of Response to Office action dated July, 2, 2003 (identify type of reply):</li> <li>has been filed previously on</li> </ul>	☐ Small entity-fee \$(37 CFR 1.17(m)). A	Applicant claims small entity statu	IS. See 37 CFR 1.27.
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B. The issue fee of \$  has been paid previously on  is enclosed herewith.	<ul> <li>A. The reply and/or fee to the above-noted Office action the form of Response to Office action dated July.  □ has been filed previously on □ is enclosed herewith.</li> <li>B. The issue fee of \$  □ has been paid previously on</li> </ul>	2, 2003 (identify type of reply):	

1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. Termi	nal disc	claimer with disclaimer fee	
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		ninal disclaimer (and disclaimer fee (37 CFR 1.:	20(d)) of \$ for a small entity or \$ for riod of time is enclosed herewith (see PTO/SB/63).
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		Additional sheets containing statements esta	blishing unintentional delay
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THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

O REGULAR/PROVISIONAL APPLICATION:	O RESPONSE TO NOTICE TO FILE MISSING PARTS
PPS DESCRIPTION	O NOTICE TO FILE MISSING PARTS
PPS CLAIMS	INFORMATION DISCLOSURE STATEMENT
PPS ABSTRACT	SCFORM PTO/SB/08
O PROVISIONAL COVER SHEET	CITED REFERENCES 127
O APPLICATION DATA SHEET	O SEQUENCE LISTING - HARD COPY
D DRAWINGS:SHEETS OF INFORMAL/FORMAL	O SEQUENCE LISTING - ASCII FORMAT, DISKETTE / CD
D EXECUTED/UNEXECUTED DECLARATION / POA	O NOTICE OF APPEAL
O POWER OF ATTORNEY	O APPEAL BRIEF
O RECORDATION FORM COVER SHEET	O ISSUE FEE TRANSMITTAL
O ASSIGNMENT	*Transmittal
D ASSERTION OF SMALL ENTITY STATUS	O REQUEST FOR CORRECTION OF
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O REGULAR/PROVISIONAL APPLIATION:  PPS DESCRIPTION  PPS CLAIMS PPS ABSTRACT O PROVISIONAL COVER SHEET O APPLICATION DATA SHEET O DRAWINGS: SHEETS OF INFRIDEAM POWALL O EXECUTED/UNEXECUTED DECLARATION / POA O POWER OF ATTORNEY O RECORDATION FORM COVER SHEET O ASSIGNMENT O ASSERTION OF SMALL ENTITY STATUS O REQUEST FOR REFUND O RESPONSE/AMENDMENT O RESPONSE TO NOTICE TO FILE MISSING PARTS O NOTICE TO FILE MISSING PARTS SERIAL NO.:  97773512  ATTORNEY DOCKET NO.:  MAIL DATE: 6/25/02	O RESPONSE TO NOTICE TO FILE MISSING PARTS O NOTICE TO FILE MISSING PARTS PINFORMATION DISCLOSURE STATEMENT OF ORM PTO/SB/08 CITED REFERENCES O SEQUENCE LISTING - HARD COPY O SEQUENCE LISTING - ASCII FORMAT. DISKETTE / CD O NOTICE OF APPEAL O APPEAL BRIEF O ISSUE FEE TRANSMITTAL TRANSMITTAL O REQUEST FOR CORRECTION OF O PETITION FOR EXTENSION OF TIME ( MONTHS) O CHECK NO FOR \$ O EXPRESS MAIL # O OTHER: